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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Confirmation No.: 9647  
Brian KESSLER )  
Appln. No.: 10/677,296 ) Art Unit: 3764  
Filing Date: October 3, 2003 ) Examiner: V. K. Hwang  
For: JUMPING OR SKIPPING ) December 22, 2005  
KESSLER=63A )  
PLAYTHING ) ATTY.'S DOCKET:

## DECLARATION UNDER 37 CFR 1.131

I, Brian D. KESSLER, do hereby solemnly declare as follows:

I am the same Brian D. KESSLER who is applicant of the above-identified application and inventor of the subject matter disclosed and claimed therein.

I have been informed of the Chang U.S. Design Patent D478,136 S entitled "Ankle Jumper" issued August 5, 2003, and filed in the United States Patent and Trademark Office on September 12, 2002.

I reduced to practice the subject matter of the present application prior to September 12, 2002, the earliest effective date of the Chang design patent. As evidence thereof, attached please find a document entitled "Maui Toys 2003 Sales Meeting" which was held at the Hard Rock Hotel/Alexis Park Resort in Las Vegas, Nevada in the year

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2002, prior to September 12, 2002, which document comprises 4 pages as described below:

1. The cover sheet from which the exact date has been deleted leaving only the year 2002;
2. The second page, showing as the top item in the third column, a photograph of a device according to my present invention;
3. The third page which shows under the heading "Hop", second item down, a photograph of a device according to my present invention; and
4. The fourth page again showing a photograph of a device according to the present invention under which appears the text:

Swivel Hopper  
.Cool Psychedelic movement  
.New Packaging Design  
.Great Line Look with Wave Hoop  
.Need to try me at Retail

These photographs establish that the device had already been made and produced, ready for sale, prior to September 12, 2002. As the invention had been reduced to practice prior to September 12, 2002, this evidences a date of invention prior to the effective filing date of the Chang design patent.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge

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that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Brian D. Kessler

Date: Jan 22, 2006

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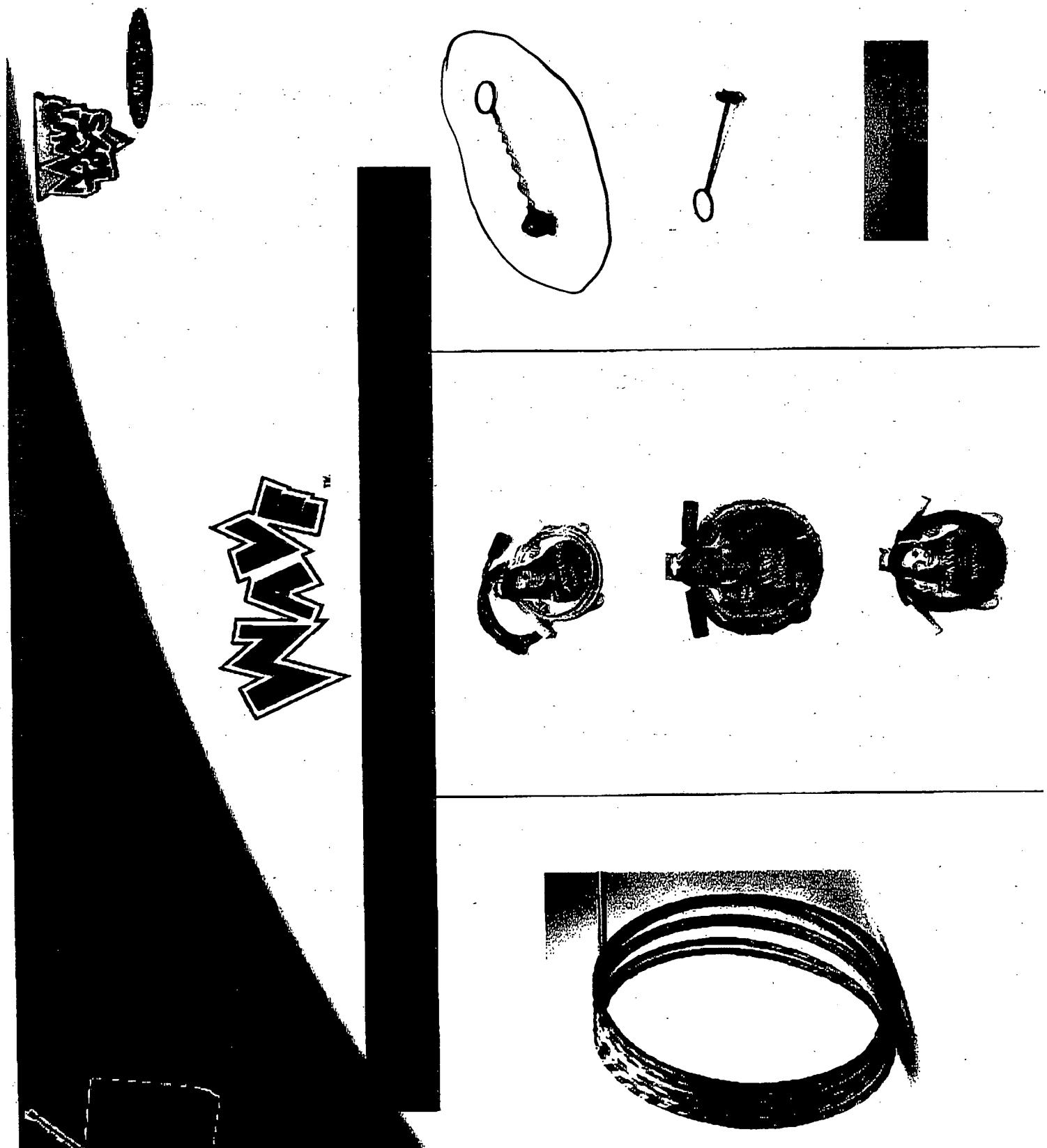


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Maui Toys  
2003 Sales Meeting

Hard Rock Hotel/Alexis Park Resort  
Las Vegas, NV  
, 2002

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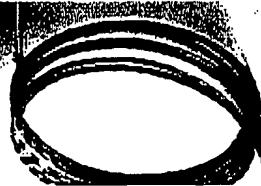
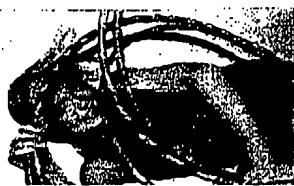


# Hoop / Rope / & Hop

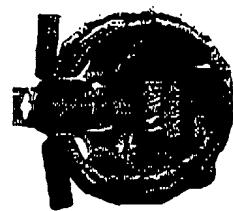
2003 T.V. CAMPAIGN

TOTAL G.R.P. IMPRESSION: 207 MILLION

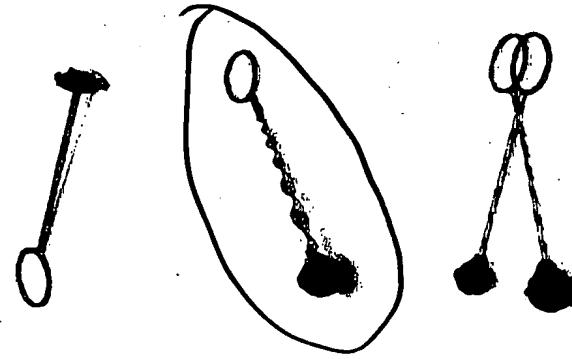
Loop



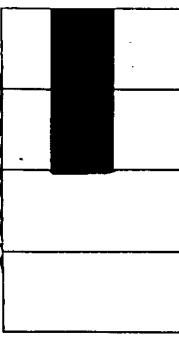
Rope



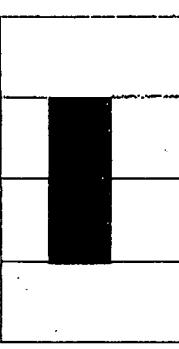
Hop



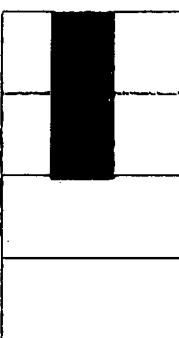
MARCH



APRIL

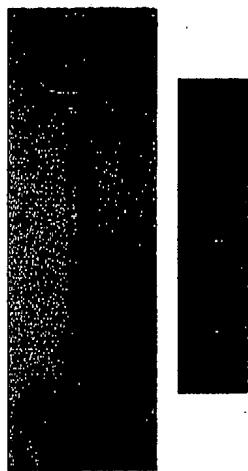
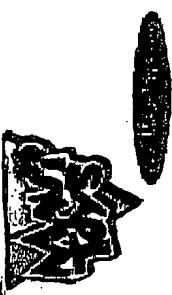


MAY



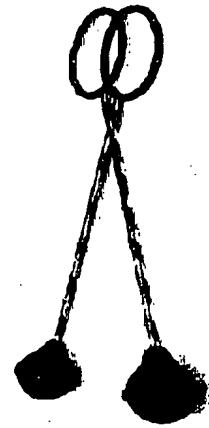
Networks to be aired on: Nickelodeon, Cartoon Network, Fox Kids, Fox Family Channel, ABC, and MTV

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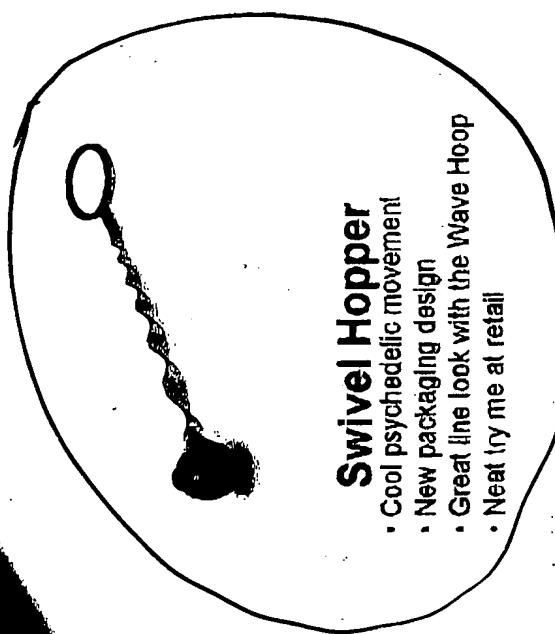
## Cool Lights Hopper

- Cool patterns on the neck
- Great "Techno" look
- Wonderful me at retail



## Wave Hopper

- Feel the "Wave" effect
- Great look over competition



## Swivel Hopper

- Cool psychedelic movement
- New packaging design
- Great line look with the Wave Hoop
- Neat try me at retail



## Light Hopper

- Motion powered
- Flashing lights show
- No batteries required